



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

January 5, 2017

Smita Deshpande, Generalist Branch Chief
Division of Environmental Analysis
Department of Transportation, District 12
1750 East Fourth Street, Suite 100
Santa Ana, California, 92705

Subject: Draft Supplemental Environmental Impact Statement, State Route 241/State Route 91 Tolled Express Lanes Connector Project, Orange and Riverside Counties, California [CEQ# 20160262]

Dear Ms. Deshpande:

The U.S. Environmental Protection Agency (EPA) has reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) for the State Route 241/State Route 91 Tolled Express Lanes Connector Project. Our review and comments are pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The proposed project is to build a tolled median-to-median direct connector linking the northbound 241 Toll Road to the eastbound 91 Express Lanes and the westbound 91 Express Lanes to the southbound 241 Toll Road.

Based on our review of the SDEIS, we have rated both the action alternative and the document as *Lack of Objections (LO)* (See attached "Summary of EPA Rating Definitions").

We appreciate the opportunities for early coordination on this project. When the Final Supplemental EIS and Record of Decision are released for public review, please send one electronic copy to the address above (Mail Code: ENF 4-2) or via email to lowe.debbie@epa.gov. Should you have any questions, please contact me at (415) 947-3554, or contact Debbie Lowe Liang, the lead reviewer for the project at (415) 947-4155 or lowe.debbie@epa.gov.

Sincerely,

A handwritten signature in cursive script, reading "Carolyn Mulvihill", is written over a faint, larger version of the same signature.

Carolyn Mulvihill, Acting Transportation Team Supervisor
Environmental Review Section

Enclosure: Summary of EPA Rating Definitions

Cc (via email): Brenda Powell-Jones, Caltrans Headquarters
Kelly Dunlap, Caltrans District 12 Environmental Coordinator

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.